

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION, et al.,

Defendants.

No. 1:25-cv-11116-WGY

**STIPULATION TO ALLOW EXTRA-RECORD EVIDENCE**

All plaintiffs and all defendants (the “Parties”) stipulate to the Court’s consideration, subject to Defendants’ specific objections, of the extra-record evidence identified below which Plaintiffs plan to submit in connection with the merits briefing in this case. This stipulation is based on the following:

1) As stated in the Parties’ November 24, 2025, Rule 16 Joint Statement (ECF # 83 (the Joint Statement)), at §III, ¶5: “Plaintiffs intend to rely on a limited amount of extra-record evidence in this case. That evidence will include, but is not limited to, publicly available documents.”

2) Accordingly, out of an abundance of caution, to avoid unnecessary motions practice, and conserve court resources, in the Joint Statement the Parties stipulated that they would “meet and confer in good faith and attempt to enter a stipulation as to the authenticity of the documents and that the Court may consider this extra-record evidence, although Defendants will preserve any relevance objections. Any such stipulation shall be finalized no later than thirty days before the parties’ opening merits briefs.” Joint Statement, at §III, ¶5:

3) The Parties now stipulate, subject to the Court's approval, that Plaintiffs may submit and the Court may consider (subject to any specific relevance or authenticity objection raised by Defendants) extra-record evidence in ruling on the merits of plaintiffs' claims.

4) Specifically, Plaintiffs may submit as evidence the documents that Plaintiffs refer to or cite in their Complaint (ECF #1) (hereafter the Extra-Record Evidence) and that such evidence is: (a) subject to judicial notice under Federal Rule of Evidence, Rule 201, and (b) is authentic under Federal Rule of Evidence, Rule 902, unless Defendants assert an authenticity objection.

5) Nothing in this Stipulation limits Plaintiffs' ability to submit evidence to support standing and to satisfy the traditional four-factor test governing permanent injunctive relief by showing: "(1) that [they have] suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction." *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006) (cleaned up).

6) Nothing in this Stipulation limits Defendants' ability to argue that any extra-record evidence submitted by Plaintiffs is irrelevant to the claims and defenses at issue in this litigation or that a specific document that is submitted is not its authentic version.

7) Plaintiffs reserve their right to submit extra-record evidence not referenced in Paragraph 4, and Defendants may assert any objections to the Court's consideration of such material, not limited to relevance and authenticity.

THEREFORE, the Parties stipulate to, and respectfully request that, the Court order that Plaintiffs may submit the Extra-Record Evidence and it is admissible, subject to the Court's

resolution of any authenticity or relevance objections (or, for non-listed material, any objection) by Defendants.

Dated: January 5, 2026

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: January 5, 2026

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